

HOUSING AND TOWN PLANNING LEGISLATION



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In submitting the attached report it has been the desire of your committee to indicate briefly the significance of the science of Town Planning for a new country such as Canada; to outline what other countries have been achieving; and to show what has been attained in Canada. There is yet much to be done by the provinces of the Dominion in encouraging and assisting cities, towns and villages to provide for their future development, and it is with a view to promoting the advancement of town planning legislation that this report has been primarily prepared.

INTRODUCTORY

Town Planning may be briefly defined as the science of adequately providing for the future growth, progress and development of cities, towns and villages, and the linking up of inter-urban centres by proper highways. (1) Town Planning is therefore a speculative and not an exact science. Its appeal is to every class in the community for it concerns the welfare of all—and such an appeal is necessarily democratic, although its aim, objects and ideals could be best accomplished under a bureaucracy. Such a bureaucracy would be a Town Planning Board or Commission with full powers of working out, independent of all local prejudices and without fear of political intervention, the best possible plan for the city or community which it represented. The personnel of the Town Planning Commission would probably number among others, an architect, an archaeologist, a surveyor, a financier, an economist, a sociologist, a physician and philanthropist. Indeed the broader the representation on a Town Planning Commission the more faithfully would it represent the needs, present and future, of the community for which it was to evolve a plan. As its first task, this Commission would set itself to make a complete survey of all the activities, social, economic and industrial, of the city—including a large scale map of the existing city showing density of population to the acre, width of streets, public buildings, etc. Its next problem would be the selection of the type of plan that, having regard to the present situation of the city and the layout of its streets, is best going to meet the emergencies of the near present and the requirements of the future. After a study of the existing cities and authorities the Commission would find that there were three general types of plan open to their selection;

(1) The checker-board or grid-iron type of plan, where the city is laid out in squares. This is the type commonly represented by Canadian and American cities. New York, Buffalo and Toronto are examples of checker-board cities. The principal advantages of this type are simplicity and economy of building space. Two of the disadvantages are monotony and lack of opportunity for aesthetic treatment of streets and buildings. A third and most serious economic disadvantage is the failure of this plan to allow for the shortest and most direct means of surface transportation to its outskirts, it being obvious that points diagonal from the heart of the city are only to be reached by travelling the two sides of each block or series of blocks.

(2) The diagonal type of plan, in which the streets run diagonally instead of at right angles. This type of plan was rarely used in the last century, though recommended by such earlier authorities as Sir Christopher Wren, L'Enfant and Hausmann. L'Enfant who was given *carte blanche* planned Washington on this model and the aesthetic appeal of that city to the tourist more than bears out the hopes of its planner though the city did not subsequently develop along the exact lines anticipated. Such a plan facilitates more direct communication to suburbs and affords numerous opportunities for building schemes. It, however, also lies open to the criticism of being

(1) Mr. John W. Simpson in his Preface to the Transactions of the Town Planning Conference, London, 1910, refers to Town Planning as "The art of laying out either the nucleus of a new city or the extension of an existing one to the best advantage of its population, as regards economy, beauty and health, both now and in time to come."

monotonous—and unfortunately it does not provide sufficiently for the rapid transportation to and from the heart of the city of that daily congestion of population which appears to be inevitable in every community irrespective of size.

(3) The third type of plan is the concentric or Ring Street plan, that is, a small circular or Ring Street near the centre or hub of the city and similar circular streets at given distances from the centre, with streets radiating from the centre to the outer circumference. This plan was the result of accident rather than design, being found mainly in certain European cities of antiquity where the old walls, fortifications and moats, having served their ancient ends, were found a hindrance to modern growth, and were accordingly demolished, the new-made ground being converted into broad circular park-like streets. The cities of Vienna and Nuremburg, in thus destroying their old walls and filling in moats, transformed liabilities into assets of almost unlimited value.

A combination or modification of any or all of these types of plans could be made into a fourth class of plan. As an illustration nearly all the great cities of this continent are located on sites near water, be it a lake, gulf, bay or stream. Not infrequently the old city, which may have been quite well adapted to the checker-board or diagonal plan, has thrown out its suburbs, here on a hill, there in a valley. These suburbs and the intervening slopes call for special street planning. The treatment of a hill or valley lends itself peculiarly well to a modification of the three methods of street planning above mentioned. The curving street on the hill-side is as utilitarian in decreasing the grade as it is picturesque in adding to the aesthetic appearance of the hill-side. If three or more streets are concentrated on the distinctive geographical or architectural feature of the hill or valley they will probably add to and not detract from its natural beauty and utility.

With a rough plan in mind for this city of to-morrow, the Town Planning Commission will next decide the classes and standards of street that are to be blocked in on the plan. They can, or should be, of varying widths according to the vicissitudes of the present city and the likely needs of the future city. The main streets of the present city will where possible be linked up by broad arterial streets with the Provincial Highways. Primary and secondary streets will be plotted into the plan with such prescience as is given the Commission to read the future. Where possible, natural features such as streams, parks and small hills will be specially treated, and such priceless assets as the small copse or wood will be the particular objective of the philanthropist who with his constituency of fellow-philanthropists will seek to preserve it for all time for the unborn generations of the city. Parks, playgrounds, school, college, and hospital locations, the provision for special driveways, parkways, and avenues will all be charted on the plan, and where possible the Commission will take active steps to procure, or in the alternative, to secure by long-term options, the lands necessary and desirable for these purposes.

Having planned and planned well, the Commission will then direct its attention to the fulfilment of its work. The experts of the Commission will each in his special sphere plot the details of the plan; the engineer the trunk-sewers and water-mains, the traffic expert the ways and means of transportation, the architect, surveyor and economist the "zoning" or grouping of buildings in classes in the new areas, the administration sites, the factory sites, the business section and the residential section; the sociologist and physician will, having regard to sanitary and moral conditions, determine the number of dwelling houses that are to be permitted to the acre, the regulations to be drafted as to the height of buildings and the proportion of each building lot to be left unbuilt upon and the restrictions to be imposed upon apartment houses; the archaeologist will safeguard existing spots of historical interest; and, last but not least, the financier will prepare his budget or estimate of the cost of this necessary and not philanthropic scheme to the city, and the source of sources from which it is to be derived.

Fortified with a practical plan, complete in every detail, yet permitting of modification and elasticity, and primed with an invincible array of data as to the terrible waste and criminal extravagance of the old idea of hap-hazard development, the Commission can appeal to the present city, its masters, for support and co-operation. The legal argument will be advanced that the city has not the inherent power or authority to do these things; private interests,

which are frequently selfish interests, will point to precedents and raise the conservative objection that what was good enough for our forefathers is good enough for the present and future generations. Both argument and objection can be met with a few illustrations of what has been done and accomplished in other countries as well as in the Dominion of Canada.

TOWN PLANNING LEGISLATION IN OTHER COUNTRIES.

SWEDEN

As early as May 8, 1874, Sweden introduced an Act which made it compulsory upon all cities, towns and local authorities to prepare plans and regulations providing for their future growth and development. Such regulations are required to show what control is to be exercised over buildings, streets, waterfronts and other public places. The plans and regulations have to be drawn according to a certain scale and prepared under the supervision of the local town council or commission. When the final form of the plan and regulations has been determined, they must be submitted to the King for his ratification. Once settled, all new buildings are required to conform to the plan. Slight modifications may be made without the royal consent. The Act also provides for the preparation of plans and regulations for the incorporation of new areas to the city or town, and these likewise are compulsory upon the enacting authority and those who are building in the new and undeveloped area. Every plan must have regard to such future incorporations into the city and with that object main thoroughfares of sufficient width to carry future traffic are to be provided having in view horticultural and aesthetic activities and, where possible, laying out boulevards, parks, avenues and squares. In the preparation of a plan, the streets are to be made of such width and character as to meet the needs, present and future, of the district or districts which they serve, and in particular to allow for plenty of direct sunlight and air to the houses and buildings erected thereon as well as permitting adequate fire protection. In furtherance of these aims, the Act stipulates that streets shall be wide and run in the most suitable direction for traffic, that where possible promenades, squares and open spaces with shrubs and trees shall be supplied, that residential districts shall be free from crowding and make room for rear gardens contiguous to those dwellings facing another street, and that buildings erected on lands abutting spaces reserved for public buildings shall conform to certain aesthetic requirements as approved by the town surveyor or architect. Persons owning their residences owe a duty to their fellow citizens and are responsible for keeping their gardens in good appearance as prescribed by the law.

GERMANY.

Influenced by the legislation of Sweden, the state of Prussia on July 2, 1875, passed its famous building regulation statute, sometimes known as "The Master Act." This statute ordains that all municipalities in the future must provide streets of certain standard widths, according to the nature of the case, and all buildings erected on such streets must conform to a building or base line. Provision is made for the construction of such streets in existing areas of the municipality where such areas have been swept by fire or where they are undeveloped or not built upon. Provision is also made for the expropriation of lands for streets and park purposes, and the compensation to owners is restricted to certain limited cases. To appreciate how advanced this legislation was for Germany one must remember that the German just as the Englishman considered the right to hold property as a sacred right, which never under any circumstances should be violated. Compulsory expropriation or condemnation was perhaps the most radical property reform of the last century in Germany.

Other German states, notably Bavaria and Saxony, following the Prussian lead, enacted legislation of a similar character. But it was in the smaller cities of Germany that the most stringent steps were taken to safeguard the future. Energetic mayors, of whom the mayor of Frankfurt is an outstanding example, by invoking public aid, by passing strict building laws and by purchasing large areas of undeveloped land sought to remedy the existing housing conditions and prevent their repetition in the future. Municipal codes all paid strict attention to the relation between the height of buildings and the

width of street, the proportion of a building site to be left clear and unbuilt upon, and the providing of adequate light and air to apartment houses.

As German cities are extremely compact and of small perimeter, when judged by American standards, it has always been a matter of difficulty to prevent the land speculators from holding the lands ripe for building purposes immediately adjoining the municipality. To cope with this situation a further radical measure was passed by the German Federal government in February, 1911, known as "The Increment Act." This Act taxes the unearned income on land transfers. The unearned increment is the difference between the price of a property at the time of its acquisition and the price at the time of its transfer, subject to certain limitations. The tax is divided in certain proportions between the Federal, state and municipal governments. Primarily designed to discourage land speculation it has been found a most encouraging source of revenue.

Practically all the continental cities of Europe now have building plans and codes, modelled on those above described, but modified to harmonize with local prejudice and conditions.

GREAT BRITAIN.

While on the continent of Europe these legislative changes were taking place, many of them rendered necessary by the continental mode of living in large apartment houses—or rent-barracks as they are frequently called in Germany,—Great Britain, by reason of its adherence to the "one family, one dwelling" standard, had not felt the supreme urgency of government action. The recruiting for the Boer War, however, proving as it did that a large and alarming number of the men coming up for medical examination were physically unfit, quickened the British government into a sense of the evils of the existing housing and building conditions; a commission was appointed to receive evidence; and the Housing, Town Planning Act of 1909 was the result.

Prior to this legislation the Housing of the Working Classes Act of 1890 had afforded a certain amount of cumbersome and entirely inadequate machinery to local authorities under the supervision of the local Government Board, for condemning and improving unsanitary or slum areas in towns and cities. But while the Housing of the Working Classes Act was remedial legislation, the Housing, Town Planning Act was devised to prevent a repetition of past mistakes and to render slums in new areas an impossibility.

ENGLISH HOUSING, TOWN PLANNING ACT 1909.

The Town Planning Act enables the local authority of a municipality to make a Town Planning scheme in "respect of any land which is in course of development or appears likely to be used for building purposes with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land, and of any neighboring lands." A Town Planning scheme has to be duly advertised to the owners of all lands affected by it and is then forwarded to the local Government Board (with complete specifications) for its approval. Parties aggrieved may submit their complaints to an official of the Board who takes evidence and in the case of land expropriated may determine the compensation to be paid for it. In certain cases an appeal lies to either of the Houses of Parliament. The general effect of the Act is to enable local authorities to obtain from the Local Government Board by the shortest possible route an approved building scheme having the force of law which empowers them to exercise complete control over the growth and development of their suburbs and outlying districts. The Act also furnishes similar remedies to land owners who agree upon a uniform development of their land and whose scheme obtains the sanction of the Local Government Board.

Upon the approval of a scheme, the local authority or private authority, as the case may be, can be compelled by the Local Government Board to attend to its execution.

With regard to the compensation of individuals whose lands are taken for the laying out of roads, parks, etc., under the new scheme, compensation is based on the difference between the values of lands upon which a scheme is imposed and those lands which are unrestricted, having regard also to the amenities of the district which has been subjected to a scheme. As a set-off to the cost of compensation the Act provides for the improvement authority claiming from the owners one-half of the increased value of the lands which, whether on the scheme or not, have been so affected by the scheme. No compensation is to be paid where property, which is alleged to be injuriously affected by a Town Planning scheme, would have been subject to similar restrictions under by-laws made by the local authorities without the intervention or provisions of the Town Planning Act.

The Act further provides that the responsible authority may, for the purpose of a Town Planning scheme as, for instance, where there are awkward or irregular blocks of land or where areas are required for parks, squares or open spaces, acquire any land comprised in such scheme by purchase or by expropriation. In cases of expropriation disputes as to value are to be finally decided by an arbitrator appointed by the Local Government Board.

Finally, the cost of such a scheme shall be defrayed as expenses of the authority under the Public Health Acts and borrowing powers are conferred similar to those given for purposes of carrying out the provisions of the Public Health Acts.

A further legislative step was taken in 1914 when by a short statute known as the Housing (No. 2) Act of 1914, the Local Government Board, or in the case of agricultural districts, the Board of Agriculture and Fisheries, was empowered to deal with the housing shortage. For the period of one year the Local Government Board may by itself or through the agency of a local authority or an authorized society whose objects include the erection of working-men's houses and whose constitution forbids the payment of any dividend or interest exceeding 5 per cent. per annum, with the consent of the Treasury and with the concurrence of the Development Commissioner acquire land for housing purposes.

Housing purposes are expressly limited by the Act to the "provision, maintenance, improvement and management of dwellings and gardens and other works or buildings for, or for the convenience of persons belonging to the working classes." Power is given to make arrangements for the erection of houses on these lands. The Local Government Board itself or a local authority acting for it, is not to build houses unless after careful public enquiry it has been

ascertained that there is no prospect of the demand for working-men's houses being supplied, or that the existing supply of houses is unsuitable and that dwelling accommodation cannot be otherwise satisfactorily provided. Where any scheme is approved of by all the authorities required by the Act, loans may be obtained on easy terms from the Imperial Treasury Department. The application of the Act, with certain substitutions, is extended to Scotland.

TOWN PLANNING ACT ENGLISH OCT. 1919.

In 1919 an Act amending the Town Planning Act was passed which made it compulsory for all communities with a population of more than 20,000 inhabitants to prepare a Town Planning scheme in respect of such lands within the community for which a scheme under the Act of 1909 might be made. Such schemes must be prepared within three years of the date of the Act and submitted to the Local Government Board. The amending Act confers increased power upon the Local Government Board to make regulations which shall govern the preparation and execution of Town Planning schemes. These regulations are required to be laid before both Houses of Parliament where, if no objection be made within a given time, they automatically become law. Local authorities, by virtue of this amendment, are no longer under the necessity of obtaining the authority of the Local Government Board to prepare or adopt a Town Planning scheme, but may by resolution either prepare a Town Planning scheme with reference to any land within or adjoining their areas, or may adopt with or without modifications any existing Town Planning scheme proposed by land owners which the local authority itself might have initiated. Where the resolution of the local authority extends to land not within the area of the local authority the approval of the Local Government Board to such resolution must be obtained. Power is likewise conferred upon local authorities who are jointly interested in a Town Planning scheme to appoint a committee representative of the various parties concerned to work out a scheme under the Act. The Local Government Board is authorized to make regulations as to the procedure to be adopted to carry out a scheme upon the local authority passing a resolution. Town planning schemes must be carried out with due despatch, in default of which, the Local Government Board may act in the place and at the expense of the local authority.

In order not to impede or hamper building operations the Amending Act enables the Local Government Board in circumstances where a town planning scheme is under consideration, to accord special permission to carry on the development of estates and building operations subject to such conditions as the Board may impose.

In cases where the Local Government Board is of the opinion after public enquiry that a town planning scheme is necessary, it may order the local authority to prepare and submit for their approval a town planning scheme. If the local authority fails to prepare or enforce such a scheme the Board may act itself at the expense of the local authority.

In addition to above amendments, Part 1 of the 1919 Act supplements the Housing of the working classes Act of 1890—and imposes upon local authorities the duty of preparing housing schemes for working-classes where there are not sufficient houses available or where there are slum areas which should be condemned. A scheme of this nature is to be approved by the Local Government Board, but once approved must be carried out by the local authority. If the local authority fails to do its duty in this respect the Local Government Board may carry out the scheme itself or may delegate the interested County Council to undertake it.

From a perusal of the reforms effected by the foregoing enactment it will be seen that the net result of this legislation is no longer to rely on the voluntary work or initiative of local authorities or officials in coping with the housing and town planning situation, but to make it a compulsory duty the execution of which is supervised by the Local Government Board an administrative Department of the English Government—which in turn has been given large discretionary and executive powers with regard to making effective regulations for carrying out local housing and town planning schemes successfully. How closely this legislation is approximating a bureaucratic system or state socialism—and the ardent Town Planner is the last person who will criticize a Town Planning policy in this direction.—can only be appreciated by reading the history of the law of real property of England.

RE GARDEN CITIES 9 & 10 GEO. V. C. 99.

Synchronizing with the Housing and Town Planning Act of 1919 is an Act cited as the Housing (additional Powers) Act which gives to the garden city movement the stamp of legislative approval. Under its provisions the Minister of Health may acquire lands by agreement or compulsion on behalf of a private or local authority which has satisfied him that it is in a financial position to purchase and develop any land or a garden city, suburb or village. The Minister of Health with the approval of the Treasury may make financial grants in furtherance of such schemes which comply with conditions prescribed by the Act and rules made by the Minister in pursuance thereof. Such conditions relate amongst other things to the material of which houses are to be made, the number of houses to the acre, the standard of structural stability, and sanitation. Schemes under the Town Planning Act may likewise receive this financial assistance if the houses erected on the area comprised in the scheme are certified by the local authority to be completed in a proper and workmanlike manner. This Act also is made applicable to Scotland.

In dealing with the Town Planning situation in England this sketch would be incomplete without making reference to the pioneer work which has been accomplished by local authorities, private societies, and, in some cases, by individuals in the field of housing and town planning schemes. In particular much success has attended the city extension and the garden city movement, the object of which has been to enable the city dweller, without foregoing the advantages of the city, to enjoy the amenities of the country. Conspicuous amongst schemes of this nature are the garden city of Hampstead, a scheme inaugurated by Tenants Ltd., with the approval of the London County Council; the garden city of Letchworth in which a private corporation through funds voluntarily subscribed and limited to a small interest return, purchased a large tract of land of about 3600 acres in the County of Herts and literally planned and developed a small industrial city amidst ideal surroundings; the now famous Port Sunlight—an industrial Garden City near Liverpool, purchased, planned, developed and endowed by the Lever Brothers, the manufacturers of Sunlight Soap, of which the surviving brother, Viscount Leverhulme, is now the principal director. This city houses in artistic working-men's dwellings its complete establishment of employees, and possesses shops, churches, a community hall and such other municipal works and buildings as are necessary to the life of an industrial community. Bourneville developed by Cadbury, a chocolate manufacturer, was established and is maintained on lines similar to those of Port Sunlight.

In all of these garden cities free rein has been given to the landscape architect so that the Town Planners' ideal of *rus in urbe* might be consummated. The result is that these garden cities planned on aesthetic and sound architectural lines and conforming to the most approved modern standards of dwelling houses and sanitation combine to an unusual degree the social and economic advantages of the city along with the pure air, direct sunlight and horticultural amenities of the country.

In connection with garden cities it may be pointed out that English Town Planning experts are of the opinion that the total population of a garden city should not exceed 36,000 inhabitants and not more than twelve dwelling houses to the acre should be erected.

U. S. A.

Turning to the United States, one finds that until quite recently the town planning movement has had to rely on the support and initiative of public-spirited citizens, who, realizing the needs of their own community have themselves, or by soliciting public subscriptions, raised sufficient funds to make investigations of and report on conditions in their cities and thus bring home to the general public the dire need of comprehensive planning and re-planning and of local restrictive legislation to stay the land-speculator and jerry-builder. When it is remembered that American cities usually rely on the power which they receive in a municipal charter from their state governments, and that progressive state legislation frequently founders on the rock of unconstitutionality, it can be seen that this system does not permit of that

spontaneous and natural development of legislation that has been observed in England.

During the past twenty years, however, these private investigations and reports have borne fruit and with characteristic American energy and purpose there is now almost a national movement in favour of systematizing the planning and re-planning of cities, towns and villages. Many school and college curricula in the United States now number among their special courses one of Town Planning; and the city without a society of some kind whose chief object is municipal improvement and municipal pride or patriotism is the exception rather than the rule. Despite the necessity of much enabling legislation from state assemblies. American cities are not far behind English cities weighing the potentialities of Town Planning. The result has been the adoption by many cities of plans providing not only for future growth but contemplating in some cases an entire rearrangement of the existing city. Such a plan is the one worked out by the late Daniel H. Burnham for greater Chicago.

The movement has received on the part of state assemblies an additional impetus from the colossal development of the automobile industry as is evidenced by the network of state highways which have been constructed and are being maintained throughout the United States.

While provision is being made for the extension of cities insufficient attention has, as yet, been paid to the "mopping up" of slums and unsanitary areas. The lack of wide-street building base lines, of standards to govern the height of buildings, and of restrictions to regulate the proportion of a building site to be left vacant, has made it a matter of increasing difficulty to cities not only in the United States but in Canada to re-plan the inner city. The cost of opening up, widening or extending a street in a congested district of an American or Canadian city, would, in pre-war days have staggered the mind. Now that people know what sums are spent to destroy lives it is to be hoped that equal partiality will be shown towards expending money on town planning schemes that will save lives.

ONTARIO.

In 1918 the Ontario Legislature passed The Planning and Development Act which, with its amending Acts, supplies communities with the machinery for controlling the planning of adjacent and adjoining areas, and, at the same time prescribes the surveying for plans and subdividing into lots of areas situated within the municipalities.

For the purposes of the Act a city is defined to include in its urban zone the area within five miles of its limits and in the case of a town or village the area within three miles of its limits, exclusive in the case of cities, of any part of another city or in towns and villages of any part of another town or village, as the case may be. Where there are conflicting jurisdictions, as in the case of the urban zone of two cities over-lapping, such area is to be known as a joint urban zone and may be the subject of the control of one or both jurisdictions. If a part of a town or village is within the urban zone of a city, or a part of a village within the urban zone of a town, the whole of such town or village is held to be within the urban zone of the larger jurisdiction. This provision was made so that in the preparation of a plan of an urban area the towns or villages would be dealt with as complete units and thus ensure due regard being paid to their needs and amenities.

Any urban municipality desiring to do so, may have its urban area increased, decreased or altered. The procedure is for the municipality to have a certified plan made by an Ontario Land Surveyor, and then to serve notice on all urban municipalities affected by the plan, together with a copy of the plan. The plan is then submitted for approval to the Ontario Railway and Municipal Board before whom the objections of all parties concerned may be heard. The Board can in its discretion and having regard to its conformity with the urban zones of other communities, change or alter the proposed plan before approving it. When approved the plan is to be filed in the appropriate Registry Office or Land Titles Office, which act constitutes public notice to all persons who may thereafter be dealing with lands comprised in the registered plan. Copies of such plan are likewise to be filed with the clerk of any city, town or village, the whole or part of which comes within the urban zone shown by the plan.

A municipality may make a general plan of the municipality including the urban area, showing all existing highways or suggested changes to them, and also "all proposed highways, parkways, boulevards, parks, play-grounds and other public grounds or public improvements." All municipalities affected by such plan are entitled to be heard before such general plan receives the sanction of the Board. As in the preceding case the plan finally approved must be filed in the proper registry office and copies of it must be served on the various municipalities concerned. Special or general plans may, with the approval of the Board, be changed from time to time.

It will be noticed that the preceding provisions are all optional and it is left to the municipalities to invoke the aid of the act in developing a Town Planning scheme. But the Act also provides that in the future plans of surveys or subdivisions of land within a municipality or within its urban area before being registered must be approved either by all communities within which any part of such land is situated, or by the Railway and Municipal Board. If the land shown in such a plan abuts a highway of less than sixty-six feet in width or if streets of less than sixty-six feet are laid down on such a plan, then, in addition to obtaining the consent of the municipalities concerned, the approval of the Board is required. Until these conditions have been complied with, the Act prohibits the sale or transfer of land on such a plan. A fee of five cents per foot frontage is payable to the city treasurer in the case of lands situated within the boundaries of a city. The fee must be paid at the time of making application for the city's approval to the plan. Disputes as to the amount of the fee can be passed upon and disposed of by the Railway and Municipal Board.

The procedure prescribed by the Act for the guidance of a private party who is subdividing and wishes to register a plan is very similar to that of a municipality which desires to prepare a special or general plan. Each municipality affected by the subdivision prepared by the private party must be served with notice and a certified copy of the plan. The council of the municipality must approve or disapprove of the plan within four weeks. If it disapproves of the plan it is to notify the applicant and the Board of its reasons for such disapproval. If the municipal council does not give its approval within four weeks the applicant may appeal to and receive the approval or disapproval of his plan from the Board.

Special reference is made by the Act to the various matters which are to be taken into consideration by the Railway and Municipal Board when plans come up before them for approval. Where the lands in question are in a city, town or village the Board is to have regard to the number and width of highways, the size and form of lots, and the conformity of the plan to a general plan, if such has been made, or to the plan upon which the surrounding and adjacent lands have been laid out. Where the lands are situated in an urban zone or close to a city, town or village, in addition to the above, the Board is to ensure that such plan makes suitable provision for the probable expansion of the near-by municipality and for the laying out of adequate highways and thoroughfares. Particular attention is to be given by the Board to plans which are closely related to adjoining lands and, if necessary, a larger plan involving several parcels of land may be required so as to ensure the conformity with and harmony of a larger scheme.

In endeavouring to avoid, if possible, the future subdivision of lands which create lots facing streets of less width than sixty-six feet the Act prohibits the registration of deeds or mortgages describing lands which abut such streets, unless the approval of the proper Municipal Council or the Board has been obtained.

In the case of any plan or scheme rendering necessary a change or alteration of a highway under the jurisdiction of a County Council or Highways Commission, the Council or Commission are to be given opportunity of being heard before the plan or scheme is finally endorsed by the Municipal Authority or by the Railway and Municipal Board.

A city, town or village may establish a Town Planning Commission to exercise all the powers and discharge all the duties conferred by the Act upon a municipal authority by the Town Planning Act. Presumably, although the Act does not specifically say so, the function of attending to municipal matters relating to the erection of houses and buildings might also be delegated to such a Commission. If a Town Planning Commission is constituted it is to have seven members consisting of the Mayor or Reeve and six rate-

payees appointed by the local council. The members, except the head of the Municipality, are to hold office for six years, two members being retired every two years. Retiring members are eligible for re-appointment. The Commission elects its own chairman. When a Town Planning Commission is functioning it has the power to direct the clerk, engineer and other officers of the Municipality to do and perform all the duties under the Act which the Municipal Council might have required them to do. The Commission like any other Department of the municipal government is to submit to the Municipal Council each year a budget of its estimated expenditure and this budget may, in the discretion of the Council, be reduced. It will be seen that the framers of the Act contemplate that municipalities will take advantage of its provisions and establish special Town Planning Commissions which, possessing a certain amount of authority and prestige, will in future regulate and control the growth of cities just as policemen now direct the traffic. Unfortunately, but few municipalities have seen fit to avail themselves of this opportunity. That the exercise of such a control is urgently needed no one familiar with the conditions prevailing in Toronto and its suburbs will deny. Whether anything short of compulsory legislation, like the English Town Planning Act of 1919, will secure the adoption of the principles laid down by the Act, the next few months will determine.

PROPOSED TOWN PLANNING ACT FOR ONTARIO.

Realizing that the existing Ontario legislation was not achieving the results aimed at, the Town Planning and Housing Association of the Province induced the Ontario Legislature at the close of the last session to appoint a special committee to investigate the matter. To assist this special committee in its deliberations the Association has submitted a proposed Town Planning Act which is appended to this report. The proposed Act is worked out on lines similar to those of the English Town Planning Act of 1919. It makes it compulsory upon a municipality to prepare a Town Planning scheme instead of leaving the matter optional as heretofore. The terms of the Act are to be carried out under the supervision of a Bureau of Town Planning which is to form a part of a legislative department and be directly responsible to the Minister of such department. The duties of this Bureau will be, among other things, to collect and keep municipalities apprised of statistical data and matters pertaining to town planning activities and "to secure co-operation and co-ordination between the various Town Planning authorities and developments." The Bureau is also to serve as the registration office for all documents and plans filed with the Local Government Board, which Board is to continue to act as the sanctioning authority for town planning schemes and improvements.

Local authorities may, as under the existing Act, delegate their duties to a town planning commission. The number of members comprising a commission will vary according to the nature of the local authority: that is, if it is a city, it will have seven members, a town five members and so forth. The powers of commissioners are to be considerably extended under the new Act. Commissioners are to serve without remuneration, but are to be allowed their actual disbursements for services undertaken by direction of the commission.

The cost of carrying out and operating town planning schemes where Town Planning Commissioners have been appointed is to be met by a special addition to the assessment tax amounting to one tenth of a mill on the dollar, which is to be known as the Town Planning rate. The Town Planning Commission is also to have the power to issue debentures payable in forty years, to be secured by the Town Planning rate.

TOWN PLANNING LEGISLATION IN OTHER PROVINCES OF THE DOMINION OF CANADA

The following provinces have passed Town Planning Legislation;

Prince Edward Island. "The Planning and Development Act, 1918." 1918 Statutes of Prince Edward Island, 8 George V., Chapter 7.

Nova Scotia. "The Town Planning Act, 1915." 1915 Statutes of Nova Scotia, 5 George V., Chapter 3. Amended in 1919 by 1-10 George V., Chapter 63. An earlier Town Planning Act passed in 1912 was repealed in 1915.

New Brunswick. "An Act relating to Town Planning." 1912 Statutes of New Brunswick, 2 George V., Chapter 19.

Manitoba. "The Town Planning Act." 1916 Statutes of Manitoba, 6 George V., Chapter 114.

Saskatchewan. "The Town Planning and Rural Development Act." 1917 Statutes of Saskatchewan (Session 2), Chapter 70; amended by 1918-1919 Statutes, Chapter 40, 1919-1920, Chapter 29; consolidated 1920, revised Statutes of Saskatchewan, Chapter 104; and further amended 1920 by Chapter 43, and 1921-22 by Chapter 44.

Alberta. "The Town Planning Act." 1913 (First Session) Statutes of Alberta, Chapter 18.

It would appear that every province in Canada now has a Town Planning Act except the provinces of Quebec and British Columbia.* Every one of these acts is supervised by the head of some Department of the enacting Provincial Government, usually the Minister of Public Works, or Municipal Affairs. In New Brunswick the Act is under the jurisdiction of the Lieutenant-Governor in Council to which body appeals under the act are made. With the exception of New Brunswick all the Acts provide for the establishment of a special director or controller to whom is delegated the duties of the Minister with regard to the administration of the Act. The Acts of Nova Scotia and Saskatchewan make it compulsory for the local authorities to adopt a town planning scheme; the other provinces having town planning legislation leave it to the discretion of the local authorities whether or not a town planning plan shall be adopted, usually, however, stipulating that private parties must secure the consent of the local authority before a plan or scheme is registered. In general it may be said that the compulsory or mandatory acts are similar to the English Town Planning Act of 1919. The Acts which leave it optional with the local authorities to introduce a scheme follow the English Town Planning Act of 1909. Quite a number of the provinces have provisions in their Town Planning acts which, like those of the Ontario Act, enable the local authority to establish a local town planning commission which can be charged with the task of preparing, adopting and maintaining a Town Planning scheme. During the war local improvement schemes had to be left in abeyance or abandoned. But since the war the Town Planning situation has once more engaged the attention of all provincial governments. In particular the acute shortage of houses, owing to the cessation of building operations, rendered it necessary for the Dominion and Provinces to grant funds for the purpose of erecting houses for returned men. Provincial Housing Acts have been passed which enable local authorities to engage directly or indirectly in the business of building houses for returned men and working men. The result has been an immediate stimulus to the Town Planning movement, and from now on much greater public interest in support of Town Planning schemes may be expected.

*Since the above was written a Bill has been introduced into the British Columbia Legislature, appropriately enough by its woman member, Mrs. Smith. This Bill, if it becomes law, is to be cited as The Town Planning and Rural Development Act. It leaves it open to any municipality, including the City of Vancouver, to adopt its provisions either by a special by-law carried by a majority vote of the electors of the municipality or by a three-fifths vote of the members of any local council, present or voting. Once adopted, the remaining provisions of the Bill, which are similar to those of the Saskatchewan Act, become compulsory upon the local authority which is required to attend to the execution of all the duties imposed upon it by the Act.

SOME SUGGESTIONS AND CONCLUSIONS

The suggestions and conclusions which follow are submitted by your committee with a view to enabling those who desire to do some pioneer work in the field of Housing and Town Planning to have some definite program which can be followed, with such modifications as may suit the local requirements of the municipality which is to be made the subject of a survey.

I. Make a Municipal Survey.

The first step is to form a society or if one is already formed to appoint a committee or committees the object of which will be the gathering of facts and data relating to the local municipal housing and town planning situation. Such facts and data may include the following particulars:

1. A Consideration of the General Character of the Community's Plan. Is this plan being systematically followed? Is it meeting the present requirements of the community? Is it economical? Is it artistic? Are the streets of uniform width—or are there wide streets which adequately serve the purpose of main streets (arterial highways) and others of lesser width which serve as subsidiary avenues (secondary streets)? Are such streets designed to meet the future needs of the community? Have any steps been taken in anticipation of the expansion of the community to control the planning or subdivision of estates immediately outside the limits of the community (urban areas)? To what extent, if any, do such plans provide for parks, playgrounds, etc.? Are there districts in the community which can be designated as business districts, administration districts, factory districts and residential districts? Are they economically planned?

2 The Density of Population. If a map of the community has been made, can the spots be indicated where the population is most congested, and most scattered? Are there any slums or near-slums in the community? Is there a dirty district? Collect statistics showing the death rate amongst children and adults in the thickly populated part of the community and compare them with similar statistics of those people residing in the thinly populated part of the community. Does the infant mortality rate per thousand appear to increase in direct ratio to the density of population to the block or acre? Is the standard of health and morality as high in a congested area as in a residential suburb? Statistics will show.

3. Traffic and Transportation. Is the community troubled with a traffic or transportation problem? Are there adequate parking facilities for waggons and automobiles in the main street, market place, and community square? Are the crowds who collect in the centre of the community during business hours readily dispersed and conveyed home at "closing hour"? Are there diagonal streets which furnish direct routes to residential districts in the suburbs, or is the way home the longest way round?

4. Open Squares. How many parks, squares and playgrounds are there in the community? How many parkways and driveways? Are these "breathing spaces" well located so that they can be taken advantage of by children who need them most? What is the total number of acres devoted to them? What ratio do they bear to the acreage of the community?

5. Ownership and Rent. What are the various prices and rents paid for lands and buildings in the community? Are the most undesirable places to live or work in the most expensive? Why? Is it the case that the higher the value or rent for land, buildings or offices the less the pure air and sunlight? Are there local by-laws regulating the height or depth of buildings? If so, how is the height or depth determined? Are the building restrictions made to be broken? Can the whole of a building site be covered with a building or does a local by-law require that a portion of the land be left vacant?

6. Municipal Government. Who are looking after the local government of the community? What men or departments are responsible for water supply and sewage disposal, the improvement of old roads or the laying out of new ones, the inspection of unsanitary houses or districts, the imposing of building restrictions, etc.?

7. Cost of Improvements. Ascertain, if possible, the cost in dollars and cents of any municipal improvements that have been recently made, such as the purchase of a playground, the widening of a street, or the erection of a public building. What would it have cost the community if such improvements had been made five, ten, twenty or thirty years ago?

II. Publish and Advertise the Results of the Survey.

Having made the survey, the next step is to bring it home to the people concerned. The press is the best medium for communicating this information, but there are also many other channels for popular education. Signal work can be accomplished by means of local improvement societies or clubs. The support of the preacher and the teacher can be enlisted. Co-operation with the local council may prove a short cut to the desired reforms. A graphic exhibition of the data collected and short explanatory charts of the results of the survey will, particularly in the case of smaller communities, evoke a wide-spread interest. Finally, a large amount of enthusiasm and a spirit of friendly rivalry can be developed by the holding of conferences at which communities engaging in similar work would be represented and compare notes.

III. Reforms.

As the trend of legislation indicated in this report has shown, there appears to be no doubt that the most desirable form is the passing of Housing and Town Planning legislation by each province in Canada which will make it compulsory for every local authority, be it city, town, village or county council to prepare and adopt some form of town planning scheme for the area comprised or that should be comprised within its jurisdiction. As a means to attain this end a provincial Town Planning Bureau, well versed in the subject of Town Planning, to act as the guiding and supervising agency of local authorities, is most essential. Whether such a Bureau should be an independent branch of some department of the government and responsible only to the minister, or whether it should be a special committee forming a part of a Railway and Transportation Board or some other Provincial Board already established, is a detail that can be best determined by a committee of the legislature. But the necessity of having a recognized provincial town planning authority which will safeguard the interests of future generations and prevent the enormous loss of moneys which is being caused at the present time as a result of hap-hazard and fortuitous town expansion, is imperative.

Housing and town planning legislation should provide local authorities with every facility for establishing local town planning commissions whose object would be not only the preparation and adoption of a town planning scheme for the community, but should include the task of securing the co-operation of all municipal departments in carrying out the details of a town planning scheme. For this purpose it is suggested that in many cases it might be advisable for local authorities to have a large local town planning committee consisting not only of the members of the town planning commission but the heads of the various departments of the local authority.

Some of the questions to which it is desirable to have local authorities or town planning commissions give particular attention may now be indicated.

1. The Planning of Arterial and Secondary Streets.

It has been sufficiently proved in Ontario that the 66-foot highway is no longer of sufficient width to meet the needs of traffic. Huge outlays of money are being and have been expended throughout the province and in particular in districts adjoining cities for the purpose of increasing the width of the former 66-foot highways. New subdivisions should make adequate provision for highways or main thoroughfares.

As ancillary to the main highway, the secondary streets or streets of minor importance should be equally well planned—so as to allow for expansion.

In this connection it may be pointed out that local by-laws which impose a standard width of asphalt pavement on a street, irrespective of the character of the street or use to which it is put, should be made more elastic. The building lines of secondary streets should, just as in the case of main streets, be wide apart. But it is submitted that frequently a 15 or 16-foot roadway is entirely adequate to meet the present traffic requirements of many residential avenues. The resulting wide boulevards would add considerably to

the aesthetic appearance of a residential street, and subsequently, if traffic requirements demanded it, the boulevards could be curtailed and the roadway widened. If such a policy of street paving were adopted, it would result in a considerable saving of taxes.

2. The Creation of Zones or Districts.

The laws of supply and demand have heretofore been mainly responsible for the division of a municipality into various zones, such as the factory, administrative, business, retail and residential districts. Generally the factory district will be adjacent or close to the means of transportation such as railways or freight boats. The wholesale district again will be conveniently near to the factory district. The administrative district, (known in the United States as a civic centre, and consisting of the Town Hall, Post Office, Registry Office and other administrative buildings,) which offers the best opportunity for well considered architectural and unified treatment, is usually ignored or neglected. The retail district finds itself naturally distributed along the main thoroughfares. And the residential districts, preferably restricted, are frequently nondescript in character, being wedged between a wholesale district and a business district, or intermingled with a factory district.

The guiding hand of a Town Planning Commission should encourage the economic tendency of municipalities to divide into well-defined zones with a view to the most advantageous location for each class of community life. While it may not always be possible to locate the factory district in the "East End" where the prevailing west winds will carry the smoke away from the city, it is usually possible to place inducements in the form of adequate diagonal or arterial highways, parks and boulevards in the west and south ends of a city or town so that the drift of residential population will be towards those quarters. Then the power already existing in many cases of imposing residential restrictions would avert the mixed zone evil.

3. The Provision of Parks, Parkways, Playgrounds and Spaces.

The desirability of sufficient open spaces—the lungs of the community—is so obvious that it scarcely seems to require elaboration. But to the town planner and social worker, who possibly approach the subject from a different angle from the layman, there are certain considerations, which might be examined. It has frequently been debated whether it is better to have a large number of small squares or spaces rather than a few large parks or a parkway system. The small squares, evenly distributed throughout the municipality, are said to serve the largest number of citizens and children. Most continental cities have for historical reasons adopted this system, of which Paris, Lyons and Munich may be quoted as examples. London affords a striking illustration of the parkway system, where it is possible to walk for hours, with but a few interruptions, from one park to another, commencing in the centre of the inner city. The ideal system, however, appears to be a compromise, in which many spaces would be found in all parts of the municipality serving as playgrounds for children and resting places for adults, and at the same time a chain of parks would be developed—piercing if possible to the heart of the municipality and increasing in size as it approached the perimeter. In America, with a singular lack of foresight, or possibly faith,—for a century ago very few town-dwellers anticipated the population of to-day—but little provision was made for the open square or park. A walk of a few hundred yards at the most led to some common or bush where rural amenities could be enjoyed to the full, so the unpaved and unsightly square appeared to be a superfluity. Later when the crisis had arrived, parks were found by annexing new territory to the municipality or by purchasing undeveloped areas in the city—but there was little if any systematic provision of breathing spaces. The city of London, England, has adopted the practice where possible, of converting old cemeteries into small parks and playgrounds. New York for years kept adding at ever-increasing cost to its Central Park, but has now reached an *impasse* in this direction. But in the future it would be advisable to provide and allocate blocks and districts in advance which are to be kept for square and park purposes. Some English town planners, from the experience derived from the garden-city movement, also advocate the compass system of parks and driveway avenues radiating in compass directions from the centre to the outskirts of the municipality. In providing for sufficient park space for the future it should always be re-

membered that a dollar spent now saves ninety-nine twenty-five years hence. Indeed, the purchase of space in the heart of even moderately sized cities at the present time is so costly as in many cases to be prohibitive.

4. Building Restrictions.

Building restrictions are a matter of paramount necessity to the town planner. Leaving to one side those which are concerned with the structural specifications of materials of buildings, some provision for which is to be found in the building by-laws of almost every community larger than a village, there are three important principles which town planners are seeking to enforce.

a. Restrictions as to the Building Line.

Following the examples of certain German cities some American cities have sought to provide wider streets in old areas by making a new building line, so that when the old buildings are torn down the new buildings will have to conform to a new building line set further back from the street. Similarly, by the adoption and enforcement of comprehensive by-laws, provision can be made that, in residential districts in particular, every building shall conform to building lines, which will, if the occasion should arise, permit of the street being considerably widened without excessive expenditure or increase in taxes.

b. Restrictions as to Height of Buildings.

Practically every European city possesses a building code which regulates the height of buildings to be erected in a particular street or district. For the most part the determining factor is the width of street—and the usual provision is that no building shall exceed more than one and one half times the width of the street, thus ensuring adequate sunlight to the lowest basement windows. Owing to its topographical situation, New York found it expedient to depart from this wise European practice and to develop the sky-scraper. Other American cities, with no other inducement than that of imitating the example of the largest metropolis of this continent, have followed this pernicious practice. Hence the curious anomaly that while in Europe the population is much denser per acre than in America, and much less land is available for building purposes, nevertheless their buildings are uniformly restricted to not more than five stories in height, and land even in London is much cheaper than in most municipalities on this continent. One of the most effective ways of solving the congestion or traffic problems of American municipalities is to enforce this restriction.

c. Stipulating the proportion of building sites to be left vacant.

A casual examination of the history of any city industrial block will show how foot by foot and inch by inch the buildings are covering the entire lands intervening between the street limits. The consequence is that there is no direct passage for sunlight and air into the rear of the buildings, to the detriment of the health of those who are required to work in such places. Here again continental cities, which have all passed through a similar experience, have of recent years been stipulating the proportion of a building site which is required to be left vacant and unbuilt upon. This proportion varies either according to the nature of the district in which the building is to be erected or according to the character and purpose of the building itself. Some building codes of European cities provide that one-fifth of the land employed for store or office buildings shall be left vacant, while others increase the proportion to the extent of one-half of the site. Restrictions of this nature have been earnestly advocated for the city of New York for the past twelve years. It is a restriction that has been frequently commended at town planning conferences and should shortly be incorporated in the building by-laws of every American and Canadian municipality.

5. Mopping up Slums.

There is probably no more disheartening sight to the town planner than to view the slums or near-slums of a large municipality. Here he sees the results of improvidence, wasted endeavour and lost opportunity. And the task which confronts the municipality in "mopping up" these areas, is as formidable as it is distasteful. For as every school-child who is handed

a clean slate or new scribbler appears to go to his work with increased zeal if not enjoyment, so the town planner, if the matter were one of his own choosing, would prefer to plan the new city rather than to rehabilitate the old. There is no hard and fast rule for defining a slum—it is a matter of individual opinion. The very word “slum” is so opprobrious as to arouse immediately the antagonism of all the landlords of the districts to which the term is applied and for which improvement is sought. These facts may account for the absence of legislation which enables or compels the improvement of unsanitary and slum areas in this country. To these facts also may be attributed the diffidence and reluctance with which municipalities and the newspapers acknowledge and confess to possessing such undesirable districts. England has met the evil situation four-square and is dealing with it resolutely. The failure of Canadian and American cities—for it is mainly in cities that slums are found—to do so, is to be deprecated. That immediate compulsory legislation dealing with unsanitary areas similar to that of England is necessary, no social worker or town planner will deny.

4. Cost and Finance.

The aim and ideal of the town planner is only too frequently met with the ready and inexpensive criticism, “Granted that all you say is true—and we are far from denying it—you will require all the wealth of the Incas to carry out your program—and where is the money to come from?” The most appropriate answer is to prove that the *laissez-faire* policy in a ten-year period will cost ten times more than systematic development and expansion under the supervision of a Government Town Planning Bureau directing the efforts of local commissions.

The question of cost and finance, however, is deserving of deeper analysis by town planners than has generally been the case. A review of existing legislation will show that there are broadly speaking four methods of financing town planning schemes in the first instance, namely;

1. By the state or province.
2. By the municipality.
3. By the parties benefited.
4. By a combination of the state, the municipality and the parties benefited.

1. By the state or province.

The English Town Planning Act of 1919 enables municipalities subject to the approval of certain Government Departments to borrow funds from the Treasury for town planning schemes, in the same way as moneys may be borrowed under the Public Health Acts. Moneys borrowed by municipalities from consolidated revenue funds of the government can be secured by the entire assets of the municipality and can afterwards be repaid on an amortization plan from municipal revenues.

2. By the municipality.

The municipality itself can raise and borrow moneys on its own municipal bonds or debentures. In doing so, it would probably pay a higher rate of interest than if these moneys were borrowed from the provincial or state government. As in the former case these bonds and debentures can be retired from time to time by revenues derived by the municipality from local taxes.

3. By the parties benefited.

At the time of preparing and adopting a plan, a direct tax based on street frontage or acreage can be imposed on all the owners of lands within the area affected by the plan. Such a method has been partially provided for in the Ontario Town Planning Act, which requires private parties filing a plan to pay a fee of 25c for every foot of land abutting streets, shown on the plan.

4. By a combination of 1, 2, 3.

The expense of a Town Planning scheme affecting a particular district might be borne in equal ratio by the parties to be benefited and the local authority. The British, Dominion and Provincial governments after the war

deemed it advisable to make grants of money for the purpose of assisting local authorities to erect houses for returned men and working men. Actuated by a similar principle, namely that what benefits the individuals of a state benefits the state itself, grants might be made out of state or Provincial revenues of one-tenth or more of the cost of a town planning scheme which met with its approval.

So far we have dwelt with the cost of initiating and developing schemes. Many other ways may be devised of repaying moneys borrowed or raised for Town Planning schemes. Attention is directed to only a few.

1. The most simple method and the one most in accord with the present system of financing municipal works in Canada is by striking a Town Planning rate and adding it to the assessment tax. This is the method indicated by the proposed Ontario Town Planning Act.

2. Another method is that embodied in the English and Saskatchewan Acts, which permits the municipality where property has increased in value owing to the promotion of a Town Planning scheme to take 50 per cent of such increased value.

3. A third method which has been adopted in some German cities and appeals strongly to American town planners on grounds of equity is known as "excess condemnation." Municipalities expropriating lands, for example, for a new street or square, will expropriate more lands than required for the improvement proposed. These extra lands, which usually have a considerably increased value because of the improvement, are then sold at the advanced value, the former owners being given the first opportunity of buying them in. Where this method has been pursued the result has frequently been that the improvement has paid for itself.

4. Finally the unearned increment tax may be mentioned as a means not only of raising municipal revenue but, as German experience has shown, of bringing lands formerly held for long periods by speculators into the market at fair prices. Whether the Anglo-Saxon temperament of this continent is prepared to adopt a taxation measure of this kind, time alone can demonstrate.

APPENDIX A.

The Ontario Town Planning and Development Act, 1919.*

CHAPTER 38.

AN ACT RESPECTING SURVEYS AND PLANS OF LAND IN OR NEAR URBAN MUNICIPALITIES.

Assented to 26th March, 1918.

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

1. This Act may be cited as The Planning and Development Act.
2. In this Act,
 - (a) "Urban Zone" shall, subject to the provisions of section 4, mean,
In the case of a city the area within five miles of the said city, but exclusive of any part of another city:
In the case of a town the area within three miles of said town, but exclusive of any part of a city or other town:
In the case of a village the area within three miles of such village, exclusive of any part of a city or town or other village.
 - (b) Where part of a town or village is within the urban zone of a city, or part of a village is within the urban zone of a town, the whole of such town or village shall be deemed to be within the urban zone of such city or town, as the case may be:
 - (c) "Joint urban zone" shall mean an area included within the urban zones, as herein defined, of two or more municipalities: "a joint urban zone shall be deemed to adjoin a city, town or village whenever any part of such joint urban zone is included in the urban zone of such city, town or village."
 - (d) "Board" shall mean "Ontario Railway and Municipal Board."
3. This Act shall apply to lands within cities, towns and villages and the urban zones as above defined surrounding the same.
4. (1) Where any urban municipality desires to vary the urban zone surrounding it from that as above defined, it may file with the Board a plan certified by an Ontario land surveyor, showing the area adjoining such municipality which it desires to include in its urban zone, and such plan may, with the approval of the Board, and notwithstanding the provisions of section 2 of this Act, include a greater or less area than those mentioned in section 2.
(2) Such plan may, with the approval of the Board, be altered or amended from time to time, and the size, form or location of the area shown therein may, subject to such approval, be enlarged, reduced, changed or altered.
(3) Notice of every application to the Board for approval of such plan or any amendment of the same, together with a copy of every such plan, shall be served on every municipality within which, or within the urban zone of which, is situated any part of the area shown on any such plan.
(4) The Board shall hear any of such municipalities desiring to be heard and may approve any such plan or require the same to be changed, altered or amended before approving thereof.
(5) In giving consideration to such plans, the Board may have regard to making the urban and joint urban zones of adjoining or neighboring municipalities conform to one another so far as desirable in the opinion of the Board.
(6) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office.

*Includes amendments to 1922.

(7) In the case of any municipality securing the approval of any such plan or amendment, the area shown thereon shall constitute the urban zone of such municipality, provided, however, that the whole or any part of such area may be included in a joint urban zone under this Act.

(8) A copy of such plan, and of any plan amending the same, as approved by the Board, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person, at all reasonable times.

5. (1) The council of a city, town or village may procure to be made for adoption by it a general plan of such city, town or village, and the urban zone adjoining it: or of such portion of the same as such council may deem expedient.

(2) Such plan shall show all existing highways and any widening, extension or relocation of the same which may be deemed advisable, and also all proposed highways, parkways, boulevards, parks, play grounds and other public grounds or public improvements, and shall be certified by an Ontario land surveyor.

(3) Such plan may, subject to the approval of the Board, be amended changed or extended from time to time by the council as it may deem expedient.

(4) Such general plan, and any plan amending the same, shall be approved by the Board before being finally adopted by the council of such city, town or village, and upon the application to the Board for such approval the council of all municipalities concerned shall, after notice to them, be entitled to be heard by counsel or agent.

(5) Upon such application, the Board shall have power to order such changes to be made in such plan as it may deem necessary or proper.

(6) A copy of such general plan, and of any plan amending the same, as approved by the Board and adopted by the council, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the urban municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person at all reasonable times.

(7) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office.

6. (1) No plan of survey and subdivision of land within a city, town or village shall be registered unless it has been approved by the council of such city, town or village, or by the Board.

(2) No plan of survey and subdivision of land within an urban zone or joint urban zone shall be registered unless it has been approved by the council of each municipality within which any part of such land is situate, and by the council of any city, town or village which such urban zone or joint urban zone adjoins, or by the Board.

(3) No plan of survey and subdivision of land abutting on a highway of a less width than 66 feet, or upon which there is laid out a street of a less width than 66 feet, shall be registered unless it has been approved by the proper municipal council or councils and by the Board.

(4) No lot laid down on a plan of survey and subdivision of land which has not been approved as in this section required, shall be sold or conveyed by a description referring to such plan or to the lot as laid down on such plan.

(5) This section shall apply to all plans of survey and subdivision of land not registered, whether such plans were made before or after the time of the passing of the Act.

(6) Any person surveying and subdividing into lots any land situated within the boundaries of any city shall pay to the treasurer of such city at

the time of the application for the approval of the council thereof a fee of five cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder.

(7) In the event of any dispute as to the amount of fees payable under the foregoing subsection, the same shall be referred to the Board, whose determination with relation thereto shall be final and binding.

7. Where any person is desirous of surveying and sub-dividing into lots, with a view to the registration of a plan of survey and subdivision, a tract of land situate in any city, town or village, or in any urban zone or joint urban zone, the following proceedings shall be had and taken:

(1) Such person shall submit a plan, certified by an Ontario land surveyor, of the proposed survey and subdivision to the council of such city, town or village, and also where the land is situate within an urban zone, to the council of each municipality within which any part of the land is situate:

(2) Where any part of such land is within a joint urban zone such plan shall also be submitted to the council of every municipality whose urban zone includes such land or any portion thereof:

(3) The council of every municipality to which the plan is submitted shall, within four weeks from the date of the receipt thereof, approve the plan or notify in writing the person submitting the same and the Board of its reasons for not approving the same:

(4) If such approval be not given within the time specified in subsection 3 of this section, the person submitting the plan may apply to the Board for its approval and every party and municipality interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the Board:

(5) The Board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the Board may seem necessary and proper.

8. In consideration of such plan by the council of any municipality or by the Board, regard shall be had to the following matters:

(1) Where the land is situate in a city, town or village:

(a) The number and width of the highways:

(b) The size and form of the lots:

(c) Making the subdivision conform, as far as practicable, to any general plan adopted as aforesaid: or where no such general plan has been adopted, making it conform as far as practicable and desirable to the plan upon which the surrounding or adjacent lands and highways have been laid out:

(d) What other lands, if any, are related to the land in such plan within the meaning of section 9.

(2) Where the land is situate within an urban zone:

(a) The proximity of the land to any city, town or village adjoining such urban zone:

(b) The probability of the limits of such city, town or village being extended so as to include it:

(c) The number and width of the highways shown in said plan, and the providing of adequate driveways and thoroughfares connecting such city, town or village with the urban zone:

(d) Making the subdivision conform, as far as practicable, to such general plan adopted as aforesaid, or if no such general plan has been adopted, making it conform, as far as practicable and desirable, to the plan on which that part of the city, town or village nearest to the land is laid out:

(e) The size and form of the lots:

(f) What other lands, if any, are related to the land in such plan within the meaning of section 9.

9. (1) Where the plan submitted is of land which is so related to other lands in the vicinity, whether owned by the same or different owners, that

it is expedient that all such lands should be treated as one entire parcel for the purposes of subdivision under this Act, the owners of all such lands may be notified to attend before the council or before the Board, as the case may be, at the hearing of any application for the approval of such plan: and any agreement in writing or plan for the subdivision of such lands made or adopted by the owners of such lands, or any part of them, and approved by the councils of the municipalities concerned, or by the Board, as the case may be, shall be registered in the proper land titles office or in the registry office for the registration division in which such lands, or any of them, are situate, and thereafter no plan of subdivision of such lands, or of any part of them, shall be registered unless it is in accordance with such agreement or plan.

(2) Such agreement or plan may be altered from time to time by the parties thereto, or their representatives or successors in title, with the approval of the councils concerned, or of the Board, if the owners of all the lands embraced in the agreement or shown on the plan assent to such alteration.

(3) No such agreement or plan for the subdivision of lands shall be binding upon any prior mortgagee of such lands, or of any part of them, except with the consent of such mortgagee.

10. (1) In the case of a tract of land within a city, town or village, or in an urban or joint urban zone, which has not been subdivided according to a plan approved under this Act, no part of it which abuts upon a highway of a less width than 66 feet, or which is situate within a distance of 33 feet from the centre line of any such highway, shall be severed from said tract and sold under a description by metes and bounds or otherwise without the approval of the proper municipal council or councils or of the board, and no agreement for sale, deed of conveyance or mortgage in fee of such part of said tract shall be registered without the approval of such council or councils or of the board.

Provided that this section shall not apply to sales or mortgages of land according to a plan of survey and subdivision registered in the proper registry or land titles office prior to the coming into force of this Act.

Provided further that this section shall not apply in the case of a highway less than 66 feet in width heretofore or hereafter laid out in unorganized territory in accordance with the directions or regulations of the Department of Lands, Forests and Mines.

(2) Upon tender for registration of any agreement for sale, deed or mortgage to which the provisions of subsection 1 may apply and which has not been so approved by the proper municipal council or councils or the board, the registrar of the proper registry division, or the proper master of titles, as the case may be, may, before registering the same, require satisfactory proof by certificate of an Ontario land surveyor, or otherwise, that no part of the lands described in such agreement, deed or mortgage abuts upon a highway of a less width than 66 feet or is situate within 33 feet of the centre line of any such highway.

(3) Upon any application for the board's approval under this section the board, before disposing thereof, may require that any such tract of land or any part or parts thereof shall be surveyed and subdivided into lots, and that a plan of such survey and subdivision shall be approved under this Act and registered in accordance with The Registry Act or The Land Titles Act.

(4) In case the only access to any such tract or any part thereof so severed, sold, conveyed or mortgaged be a public or private street, way, lane or alley, then such street, way, lane or alley shall, for the purposes of this section, be deemed a highway.

(5) The proper municipal council or councils shall, for the purposes of this section and of section 11 of this Act, be the council of any city, town or village in which the lands or any part of same are situate, and in the case of lands situate in an urban zone or joint urban zone, such councils shall be the council of the municipality within which any part of such lands is situate and also the council of every City, Town or Village which such urban zone or joint urban zone adjoins.

(6) The provisions of subsections 3, 4 and 5 of section 7 of The Planning and Development Act shall mutatis mutandis apply to the approval of any such severance and sale, agreement for sale, deed of conveyance or mortgage in fee.

11. (1) Approval of a plan, severance, sale, agreement for sale, deed or mortgage by a municipal council or by the board shall be indicated by a certificate to that effect upon such plan, agreement, deed or mortgage, or upon the document evidencing such severance and sale, signed by the clerk or secretary respectively, and authenticated by the seal of the municipal corporation or board, as the case may be: any such approval by a town planning commission shall be indicated by a certificate as aforesaid signed by the chairman, and authenticated by the seal of the commission.

(2) Every person, except a registrar, master of titles or other officer when entitled by law so to do, who alters, changes or defaces any such plan, agreement, deed or mortgage or document evidencing any such severance and sale, after the same has been approved by a municipal council or town planning commission, or by the board, shall incur a penalty of not more than \$200 recoverable under The Ontario Summary Convictions Act.

12. Where any plan or agreement prepared or made under this Act provides for the widening, extension, relocation or other alteration, in whole or in part, of a highway under the jurisdiction of a county council, or highway commission, such plan or agreement shall not be adopted or approved by the council of any city, town or village or by the Board, until such county council or highway commission, as the case may be, has had an opportunity of being heard by counsel or agent after due notice.

12. (a) No highway shall be laid out in any urban zone or joint urban zone unless it has been approved by the council of each municipality in which the proposed highway or any part of it is situated, and by the council of any city, town or village which such urban zone or joint urban zone adjoins, or by the board.

13. (1) The council of a city, town or village may appoint a commission, to be known as "The Town Planning Commission" of the city, town or village (as the case may be) of

(2) Such commission shall be a body corporate and shall consist of the head of the municipality and six persons, being ratepayers, appointed by the council.

(3) The members of such commission, except the head of the municipality, shall hold office for three years, or until their successors have been appointed provided that on the first appointment of the members of such commission the council shall designate two of such members who shall hold office for one year, two who shall hold office for two years, and two who shall hold office for three years.

(4) Any member of the commission shall be eligible for reappointment.

(5) The commission of any city, town or village upon its appointment, shall have and exercise all the powers and discharge all the duties by this Act, vested in and exercisable by the council of such city, town or village,

(6) The commission shall elect a chairman who shall preside at all meetings of the commission.

(7) Four of the members of the commission present at any meeting shall constitute a quorum.

(8) The clerk, engineer, and other officers of the city, town or village shall, at the request of the commission, do and perform all such duties under this Act, as they, or any of them, would do and perform for the council of such city, town or village in the like case, if such commission had not been appointed.

(9) The commission shall, on or before the first of March, submit to the council estimates of its expenditures for the current year, and the council may cut down and reduce such estimates as may be deemed proper.

14. The rules of practice and procedure adopted by the Board shall apply to applications under this Act, and all persons and municipal corporations shall be entitled to be heard, and may be represented by counsel or agent at the hearing.

15. The Planning and Development Act, being chapter 44 of the Acts passed in the seventh year of the reign of His Majesty King George V., is hereby repealed.

APPENDIX B.

PROPOSED TOWN PLANNING LEGISLATION FOR ONTARIO

The Ontario legislature on the supplication of the Ontario Town Planning and Housing Association appointed a committee at the close of last session to consider the question of improving town planning legislation in Ontario. The following members of the legislature were instructed to serve on this committee: Hon. Mr. Rollo, Hon. Mr. Nixon, Hon. Mr. Henry, Mr. Swayze, Mr. Cunningham, Mr. Watson, Mr. Tisdelle, Mr. Thompson, Mr. Ramsden, Mr. Pinard, Mr. McBride, Mr. Halcrow. Later the Hon. Mr. Rollo was chosen as chairman of the committee.

With the granting of their request the Town Planning and Housing Association formed a committee for the preparation of a draft bill to be submitted to the legislative committee for consideration. This committee was made up of the following members of the association: Mr. T. D. leMay, Mr. N. D. Wilson, Mrs. Dunington-Grubb, Mr. A. E. K. Bunnell, Dr. H. L. Brittain, Mr. A. V. Hall, Mr. H. L. Seymour, Mr. W. S. B. Armstrong, Secretary and Mr. J. P. Hynes, Chairman.

The committee drew up a proposed bill and in drafting it adopted the following principles:

(a) The Municipal Council must have control over the spending of the ratepayer's money:

(b) The development of any community seldom stops at the Municipal boundaries, so that town planning problems are of co-operative interest and effort, between two or more independent Municipalities, and a town planning agency must be representative of the Municipalities whose interests are interlocked.

(c) Any planning scheme is waste-paper if, when adopted, it is not carried out. A plan commission must be permanent, and to ensure this it must have an assured income, however small, and this income should come from each Municipality interested in proportion to its capability to pay.

The text of the proposed bill as amended at the conference of the association, Oct. 17-18, reads as follows:

An Act to Amend the Planning and Development Act.

His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—This Act may be cited as the Planning and Development Act.

2.—In this Act:

(a) "Board" shall mean the Ontario Railway and Municipal Board, and any member thereof authorized as provided by Section 9 of the Ontario Railway and Municipal Board Act.

(b) "Bureau" shall mean the Bureau of Town Planning as constituted by this Act.

(c) "Director" shall mean the Director of the Bureau.

(d) "Town Planning Advisor" shall mean a person in the opinion of the Director, technically qualified to advise on Town Planning, and who has been granted a certificate to that effect by the Board.

(e) "Commission" shall mean a Plan Commission as constituted under this Act.

(f) "Local Authority" shall mean the Council of a city, town, village or township, or a Plan Commission as the case may be.

(g) "Town Planning District" shall mean the area under the jurisdiction of the Local Authority for the purposes of this Act.

Bureau of Town Planning.

3.—There is hereby established a branch of the Public Service of Ontario to be known as "The Bureau of Town Planning and Housing."

4.—The Bureau shall be attached to such one of the departments of the Public Service as may be designated by the Lieutenant-Governor in Council, and shall be under the direction and control of the Minister in charge of that department.

5.—The Lieutenant-Governor in Council shall appoint an officer to be known as the Director of the Bureau of Town Planning and such officers, clerks and servants as may be deemed advisable.

6.—The Director for the purposes of the Public Service Act and the Audit Act shall rank as the deputy head of a department and in respect to matters assigned to the Bureau shall exercise and perform the powers and duties of the deputy head of a department.

7.—The director acting under the direction of the Minister shall preside over the Bureau and shall perform such other duties as may be assigned to him by the Lieutenant-Governor in Council or by the Minister.

8.—Wherever by an Act of this Legislature an officer engaged in the administration of the Law relating to any of the matters assigned to the Bureau by this Act is directed to report to the minister, the report shall, unless the minister otherwise requires, be made to the director, and every such officer shall act under and obey the directions of the director.

9.—It shall be the duty of the Bureau to:

(a) Issue from time to time and send to the clerk of every municipality and secretary of every Plan Commission, bulletins dealing with town planning and housing activities, in order to secure co-operation and co-ordination between the various town planning authorities and developments in the province.

(b) Collect such statistical and other information respecting town planning and housing affairs in Ontario as may be deemed necessary or expedient from time to time.

(c) Enquire into, consider and report upon the operation of town planning and housing laws in force in other provinces of the Dominion and in Great Britain and in any foreign country, and make such recommendations and suggestions thereon as may be deemed advisable.

(d) Prepare for the guidance of local authorities standard regulations required for the purposes of this Act.

(e) Upon request of any local authority and where, in the opinion of the Director, it is desirable so to do, provide such local authority the services of a town planning advisor, with such other assisting staff as may be arranged for, at such rate per diem as may be fixed for such services from time to time by the director.

(f) Receive in charge from, and hold at the call of the Board, all plans and documents referring to town planning and land subdivisions, which are now or which later under any statute or order of the Board, may or would be filed with the Board.

(g) Advise the Board on all matters coming before it under this Act, or on other matters referred to it by the Board.

(h) Prepare and transmit to the Lieutenant-Governor in Council annually a report upon the work of the Bureau during the preceeding year, together with such statistics and other information as may have been collected in the Bureau.

(i) Perform such other duties as may from time to time be assigned to it by the Lieutenant-Governor in Council.

10.—(1) There shall be assigned to the Bureau the administration of this Act, and the Bureau shall superintend Town Planning and Housing Activities in the Province. The Bureau may require from any Local Authority such returns and statements as to the Bureau may seem proper, and may extract from such returns and statements such information, as in the opinion of the Bureau, may be useful for publication, and may embody such portions of such returns and statements in the annual report of the Bureau as to it may seem proper.

(2) A Local Authority which refuses or neglects to comply with the provisions of this section shall incur a penalty not exceeding one hundred dollars

for every week it may be in default, recoverable under the Ontario Summary Convictions Act, and in addition the Bureau may authorize a Town Planning Adviser to secure such returns and statements at the expense of the Local Authority.

Town Planning District.

11.—(1) Within twelve months of the passing of this Act, the Municipal corporation of each city, town, or village, shall file, where not already filed, with the Board for approval, a plan showing the area which it is desirable shall be considered the Town Planning District of such city, town, or village, with reasons therefor.

(2) Such Town Planning District shall not exclude any portion of the land lying within the municipality making the application, and may include such portions of the lands in adjoining municipalities as may seem desirable.

(3) Such plan may, with the approval of the Board, be altered or amended from time to time.

(4) Notice of every application to the Board of approval of such plan or amendment of the same, together of a copy of every such plan, shall be served on every municipality, the whole or any part of which is included in the lands shown on such plan.

(5) The Board shall hear any such municipalities desiring to be heard and may approve of such plan or require the same to be altered or amended before approving thereof.

(6) Upon the approval of any such plan by the Board, the municipality shall deposit the same in the proper registry or land titles offices and the lands shown thereon shall constitute the Town Planning District for the said municipality.

12.—In the event of any such municipality failing to file such plan with the Board for approval, the Board shall cause a plan to be prepared by the Bureau at the expense of the municipality which shall be deposited in accordance with the provisions of this Act relative thereto and shall constitute the Town Planning District for the said municipality.

Local Authority.

13.—Where the Town Planning District does not extend beyond the limits of the municipality, making the application, the provisions of this Act shall be administered by the municipal council or by a commission consisting of the head of the municipality and two ratepayers appointed by the council for two years or until their successors are appointed except that at the first appointment one shall be appointed for two years and one for one year.

14.—Where the Town Planning District extends beyond the limits of the municipality making the application the provisions of this Act shall be administered by a Commission to be known as the Plan Commission of..... and District, which Commission shall be appointed within six months of the order of the Board establishing the Town Planning District.

15.—Such Commission shall be a body corporate and upon its appointment shall have and exercise all the powers and discharge all the duties vested in it by this Act.

16.—In the case of a city such commission shall consist of seven persons, namely:

(1) Five ratepayers of the city appointed by the council of the city who shall each hold office for five years, or until his successor is appointed, except that upon the first appointment the council may designate one to hold office for one year, one for two years, one for three years, one for four years, and one for five years.

(2) Two ratepayers of the Town Planning District without the limits of the city, to be appointed by the Lieutenant-Governor in Council upon the recommendation of a majority of the heads of the municipalities included in whole or in part in the Town Planning District without the limits of the city or in the event of the failure of the heads to make such recommendation, with two months after the appointment of the five Commissioners by the City,

upon the nomination of the said five Commissioners. Said two Commissioners shall each hold office for four years or until their successors are appointed, except that upon the first appointment, one shall be appointed for two years only.

17.—In the case of a town such Commission shall consist of five persons, namely:

(1) The Mayor.

(2) Three ratepayers appointed by the Council for three years, or until their successors are appointed, except that upon the first appointment, the Council shall designate one to hold office for one year, one for two years, and one for three years.

(3) One ratepayer of the Town Planning District without the limits of the town, to be appointed by the Lieutenant-Governor in Council upon the recommendation of the majority of the heads of municipalities included in whole or in part in the Town Planning District without the limit of the town or in the event of the failure of the heads to make such recommendation within two months after the appointment of the three Commissioners by the town, upon the nomination of the said three Commissioners. Said Commissioner shall hold office for three years, or until his successor is appointed.

18a.—In case of a village, such Commission shall consist of three persons, namely:

(1) The reeve of the village.

(2) One ratepayer appointed by the Council for two years.

(3) One ratepayer of the Town Planning District without the limits of the village, to be appointed by the Lieutenant-Governor in Council upon the recommendation of a majority of the heads of the municipalities included in whole or in part in the Town Planning District without the limits of the village or in the event of the failure of the heads, to make such recommendation within two months after the appointment of the Commissioner by the village upon the recommendation of the Council of the Village.

18b.—The Essex Border Utilities Commission with the Town Planning powers under the Consolidated Essex Border Utilities Act 1921 is constituted a Local Authority under the Act for the Municipalities of Riverside, Ford City, Walkerville, Windsor, Sandwich and Ojibway together with the areas included in a plan prepared under Section 4 of the Planning and Development Act and approved January 20, 1921, by the Ontario Railway and Municipal Board.

19.—The provisions of this Act shall also apply to a township, the Town Planning District of which shall comprise all those parts of the said township not included in the Town Planning District of any City, Town, or Village, and shall be administered by the Council of said Township or by a Commission of three members. The said Commission to consist of the reeve and two ratepayers appointed by Council for two years, except that on the first appointment one shall be appointed for one year and one for two years.

20.—If at any time, after hearing all parties interested, it is, in the opinion of the Board, desirable that two abutting Town Planning Districts should be united, having in mind the growth of either or both communities, it may order the union of the two districts under one Commission of not more than seven members. In the case of the union of two village town planning districts of comparatively equal status, the Board may order that the Commission of the joint district shall have five members, namely:

The Reeves of the two villages.

A member appointed for three years by each of the two village councils.

A member appointed by the Lieutenant-Governor in Council upon the recommendation of a majority of the heads of the municipalities contained in whole or part within the joint Town Planning District other than the two villages.

In the case of the union of the Town Planning Districts of two towns or two cities or one town and one city, of comparatively equal status, the Board may order that the Commission of the joint district shall have seven members, namely:

Three members appointed by the Council of the town or city designated by the Board to appoint three members.

Two members appointed by the Council of the town or city designated by the Board to appoint two members.

Two members appointed by the Lieutenant-Governor in Council upon the recommendation of a majority of the heads of the municipalities contained in whole or in part within the joint Town Planning District, other than the said towns or cities as the case may be.

21.—When in the opinion of the Board or upon application of the municipality the representation upon the Commission of the various municipalities in a Town Planning District is not proportionate to the interests of the various municipalities, or for any other reason it may vary the number of Commissioners to be appointed or nominated by the said municipalities from that set out in this Act, and upon an order of the Board to that effect, the Commission shall be so constituted.

22.—In the event of any municipality failing to comply with the provisions of this Act relative to the appointment of a Plan Commission, within six months from the date of any order of the Board establishing a Town Planning District the Board may order that the Bureau establishing a Town cise within said Town Planning District all the powers and discharge all the duties vested by this Act in a Plan Commission.

23.—In case of a vacancy by the death or resignation of a Commissioner or from any cause other than the expiration of the time for which he was appointed, the Commissioner appointed in his place shall hold office for the remainder of the unexpired term and until his successor is appointed.

24.—Any member of the Commission shall be eligible for re-appointment.

25.—The Commissioners shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses in connection with services undertaken by the direction of the Commission.

26.—The chairman and secretary shall be appointed by and hold office at the pleasure of the Commission.

27.—The Commission shall hold meetings at least monthly, and a majority of the Commissioners shall form a quorum.

28.—All orders and proceedings of the Commission shall be entered in books to be kept for that purpose, and shall be signed by the Chairman for the time being, and when so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read in any judicial proceedings as evidence of the orders and proceedings.

29.—The Commission may employ all necessary Town Planning Advisers, and other Officers, Clerks and Servants, and may prescribe their duties and compensation or may arrange with the Council of any Municipality within the Town Planning District, or with any board or commission appointed by any such Municipality, or with the Bureau, that the staff of such Municipality, Board, or Commission or of the Bureau, shall make such necessary surveys, maps and plans, and perform such other technical, Town Planning or other services as may appear advisable.

30.—The Commission shall keep in its office all books, maps, plans, papers, and documents used in and pertaining to the business of the Commission.

31.—The Commission shall keep accounts of its receipts, payments, credits and liabilities, and the same shall be audited by the auditors of the principal Municipality lying wholly within the Town Planning District, in like manner as other accounts of the said municipal corporation, and shall thereafter be laid before the several municipal councils by the Commission.

General Power of Commissions

32.—Where a Commission has been appointed to operate this Act in any Town Planning District, the Council of every city, town, village and township, included in whole or in part within the limits of the Town Planning District, shall in addition to all other rates and assessments for municipal purposes, levy and assess in every year a special annual maximum rate of one-tenth mill in the dollar upon the whole assessment for ratable property, income and business within the limits of the said Town Planning District. Such rate shall be called the Town Planning Rate and shall be deemed to be included in the limit of the rate authorized by Section 297 of the Municipal Act. The amount so assessed shall be placed at the disposal of the Commission for its purposes.

33.—The Commission may issue debentures payable in forty years, and at such rates of interest as it finds expedient, secured upon its annual income from the municipalities as set out in the preceding section, to an amount in excess of accumulated sinking fund, not exceeding the sum obtainable on the security of one-half of such future income, as based upon the last assessments of the several municipalities.

The Commission shall provide a sinking fund or serial bonds for paying off the principal of all sums borrowed by or assumed by the Commission.

34.—The Commission shall keep separate accounts of the income received from each municipality. General expenses of operation, financing the preparation of a general plan, and all expenditures on behalf of the Town Planning District as a whole, shall be assessed against each municipality, in proportion to the income from the Town Planning Rate from such municipality. Expenditures not so made on general account, shall be charged against the municipality or municipalities in the interest of which they were incurred. The Commission is authorized to spend the revenue derived from the Town Planning Rate in its discretion, provided that in any period of five years there will be spent in the interest of each municipality the revenue derived from said municipality from the said Town Planning rate.

35.—The Commission is empowered to solicit and receive grants and bequests of money, or real property, and to hold, buy, sell and otherwise deal in real estate, provided any such lands or parts thereof established as highways shall be vested in the municipality.

36.—The Commission is empowered to issue bonds or otherwise borrow money upon the security of its real estate, and provided the security for said sums borrowed is not imparted, to sell to the municipality at a price to be agreed upon irrespective of value, or to dedicate as a public highway, square or park, any portions of said real estate.

37.—The property of the Commission, not let or leased, shall be exempt from all taxes other than local improvement rates.

38.—Notwithstanding Section 472 of the Municipal Act, no by-law, resolution, or agreement to open, close, narrow, widen, lease, or otherwise encroach upon except for municipal services any street or highway within the Town Planning District, shall be passed by any municipal council without the consent of the Commission being first obtained in writing, except by a two-thirds vote of the whole council of the said municipality.

39.—The Commission shall submit to the council of each municipality within the Town Planning District a priority list amending same from time to time, showing the order in which in its judgment the more urgent matters required to carry out the general plan as approved shall be undertaken, and except by a two-thirds vote of the whole Council, none of such matters shall be undertaken by the municipality out of the order shown on said priority list without the consent of the Commission.

40.—It shall be the duty of the Commission without other instruction to advise the council of each municipality lying in whole or part within the Town Planning District in regard to any matter coming before such council, which, in the judgment of the Commission, affects or will or may affect the carrying out or fulfilment of the general plan as approved, or the appear-

ance, utility and convenience of the municipality or of its streets and public places.

41.—The Commission shall, at the time the annual estimates of each municipality lying in whole or part within the Town Planning Districts are being considered, submit to the Council of such municipality a statement of the sums in addition to the Town Planning rate which in the judgment of the Commission should be placed at its disposal by the said municipality, during the ensuing financial year, in connection with the carrying out of the general plan. Such statement shall show:

(1) The nature of the specific works recommended chargeable against the municipality and the estimated cost of such, and the time and manner in which the said work should be carried out, and whether in whole or part as a local improvement or otherwise.

(2) The sum requested for the purchase of lands for street widening or other improvements of a minor nature, or for small parks or squares, or for the requirement of properties in the line of major street improvements for the purpose of determining the probable cost of same. Such sum to be expended at such time and in the purchase of such properties, as opportunity may offer, and the judgment of the Commission may direct.

(3) Any additional sum, over and above the Town Planning rate required for the operation of the Commission.

Such sums as may be approved by Council shall be placed to the credit of the Commission to be expended in accordance with its estimates as approved or amended by Council.

42.—The Council or the School or Park Board of any municipality, lying in whole or part within the Town Planning District, may instruct and authorize the Commission in the carrying out of the general plan to acquire lands for its purpose within the Town Planning District, the Council or the School or Park Board, as the case may be, providing the necessary funds for the purpose.

43.—The Council of any municipality lying in whole or part within the Town Planning District, may instruct and authorize the Commission in the carrying out of the general plan as adopted to construct at the municipality's expense, roadways, bridges, boulevards, monuments, buildings, etc., or to lay out parks and squares, or do other physical work.

44.—The Council of any municipality lying in whole or in part within the Town Planning District, may by by-law delegate to the Commission any powers it may have or may later obtain relative to housing, the acquirement and administration of parks and boulevards, or in connection with any other matters pertinent to the carrying out of the provisions and intent of this Act.

45.—For the carrying out of this Act, the Commission may expropriate lands or easements in the same manner and to the same effect as if it were a municipal council of a city with a population of 100,000 or over acting under the provisions of the Municipal Act, and the provisions of the Municipal Act shall mutatis mutandis be applicable to the acquisition of lands by the Commission.

General Plan

46.—(a) The Local Authority may cause to be prepared a general plan or plans of development for the whole or any part or parts of the area included in the Town Planning District illustrating the proposed activities of, and the improvements contemplated by the Local Authority in accordance with the provisions of this Act.

(b) The general plan prepared by the local authority in accordance with the provisions of this section may deal with:

(1) Development of lands hitherto undeveloped.

(2) Remodelling of those parts of the Town Planning District heretofore developed.

(3) Transportation and public services.

(4) The best economic use of land.

(5) Amenity and convenience in connection with the planning, layout, classification, and use of land for any purpose.

(6) Open spaces for parks, playgrounds, and the like.

(7) Design and location of public buildings, monuments and structures.

(8) Prescribing general and partial zones in which to regulate the use and occupation of erections, structures, and buildings, the use and development of land and the use, height, area, bulk, location and type of construction of erections, structures and buildings to be erected thereon.

(9) Preservation of objects of historical or natural beauty.

(c) The said plan or plans shall be submitted for approval to the Board and to all the Municipalities concerned in accordance with the provisions of this Act.

(d) The Local Authority shall so soon as the plan or plans have been approved, file copies of the same with the Clerks of all the Municipalities concerned, and with the Board, and shall also deposit copies of the same in the proper Registry Office and Office of Land Titles.

(e) After the approval of any such general plan, or regulations applying thereto, a municipal council shall not pass any by-law not in accordance with same, without the consent of the Board.

(f) Said plans and regulations may be amended from time to time with like procedure.

47.—(a) The Local Authority may further cause to be prepared from time to time detailed plans of development of the whole or any part of the lands included in the Town Planning District.

(b) Such plans shall show in detail the development proposed by the Local Authority as it may affect the lands included in the plan, with all information necessary to a proper determination of the lands shown set apart for highway or other Municipal or public purposes, and shall be certified by an Ontario Land Surveyor.

(c) Any such plan may designate any highway shown thereon as a main highway and upon approval and registration of the said plan the lands required for any such main highway shown on the plan shall be considered condemned for highway purposes for all time and may be at any time assumed in whole or part by the Municipality in which they are situated on payment by the Municipality or Local Authority of the value obtaining at the date of approval, provided that no compensation shall be payable on account of any part of any such highway laid out by registered plan prior to the assumption of such highway by the Municipality.

(d) In the event of failure to agree as to the amount of compensation payable under this section, the matter shall be referred to arbitration in accordance with the provisions of the Municipal Act in that behalf.

(e) Any detailed development plan prepared by the Local Authority shall, when approved by the various Municipalities concerned, and the Board in accordance with the provisions of the Act, be filed in the proper Registry or Land Titles Office, and where any lands are affected by any main highway, an entry to that effect shall be made in the proper abstract books.

(f) Any such detailed development plan may be amended from time to time with the approval of the Municipalities concerned and the Board.

48a.—The Local Authority may prepare a schedule or schedules of regulations to govern all and any matters than may come within the jurisdiction of the Local Authority in accordance with the provisions of this Act, and copies of the same duly approved shall be filed with the Board and with the Clerks of all municipalities concerned.

48b. Property shall not be deemed to be injuriously affected by reason only of the making of any provisions inserted in the scheme, which, with a view to securing the amenity of the area included in the scheme, or any part thereof prescribe the space about buildings, limit the number of buildings to be erected, or occupied, or prescribe the height or character or use of buildings, (or distance thereof from the street line) and which the Board having regard to the nature and situation of the land affected thereby, declare by order to be reasonable for the purpose.

Subdivision Plans

49.—When any person or company is desirous of registering a plan of subdivision or re-division of any tract or parcel of land in a Town Planning District, the following procedure shall be had and taken.

(1) Such person or persons shall submit to the Local Authority a draft plan of the subdivision certified as to the boundaries by an Ontario Land Surveyor.

(2) Such plan shall be prepared in accordance with the schedule of regulations prepared by the Local Authority and approved by the Board in accordance with the provisions of this Act.

(3) The Local Authority may require any additional information necessary to a proper consideration of the plan to be provided.

(4) The Local Authority shall within four weeks of the receipt of the plan approve thereof, or notify in writing the person or person submitting the same and the Board of its reason for not approving the same.

(5) If such approval be not given in the time specified in the preceding sub-section the person or persons submitting the plan may apply to the Board for its approval and shall notify the Local Authority and any person interested of the time and place appointed by the Board for consideration of the matter.

(6) The Board in determining such application may approve or refuse to approve such plan, and shall have the power to order such changes in the plan as to the Board may seem necessary or proper.

50.—No plan of subdivision in a Town Planning District shall be registered until it has been approved by the Local Authority or by the Board and a certificate of approval has been endorsed on the plan.

51.—No plan of subdivision shall be registered upon which a highway of less than 66 feet is laid out, or which abuts or fronts on a highway of less than 66 feet in width, unless it has been approved by the Local Authority as in conformity with a detailed plan approved by the Board, or lacking such by the Board alone and a certificate of approval in accordance with this section has been endorsed thereon.

52.—No plan of subdivision shall be registered until the Local Authority shall have approved such subdivision as being required to take care of the demand for actual development.

The Local Authority before approving a plan shall require that local improvement rates on any existing street in and adjoining the plan opposite any new street or lane opened by the plan be commuted.

53.—Any person or persons making application to the Local Authority or the Board for endorsement of approval upon a plan of sub-division or re-division shall at the time of application pay to the Local Authority a fee of 5 cents per foot frontage for all land shown on said plan fronting on a highway already existing or laid out on said plan, and the Local Authority or the Board shall withhold its endorsement of approval of any plan until the payment to the Local Authority of the proper fees as herein specified.

54.—(a) Where in any district by reason of their shape or size or for other causes adjoining parcels of land cannot be sub-divided independently and at the same time economically the Local Authority may prepare a plan whereby the boundaries of the said parcels are so adjusted that the said parcels may be sub-divided independently and at the same time economically giving to each owner an area reasonably equal to that originally held.

(b) Any such plan shall be approved by the Board in accordance with the provisions of this Act, and when approved shall be registered as a sub-division of land in accordance with the provisions of the Registry or Land Titles Act as the case may be, and the Registrar or Master of Titles shall record in the manner provided the ownership of the various parcels according to the plan so registered.

(c) Where any owner feels himself to be injuriously affected by any plan so registered he may make a claim against the Local Authority for compensation.

(d) The amount of any compensation payable on account of any such claim shall be determined by arbitration in the manner provided in the Muni-

cipal Act, and any amount so awarded shall be paid to the claimant by the Local Authority.

Sale of Lands by Metes and Bounds.

55.—No part of any parcel or tract of land which abuts or fronts on or which is within 33 feet of the centre line of any given or trespass road less than 66 feet in width, or any public road or highway less than 66 feet in width, that has not been laid out or established in accordance with the provisions of the Registry Act, or Land Titles Act or under the authority of the Executive Government of the Late Province of Quebec or of Upper Canada, or of Canada, or under the authority of the Executive Government of Ontario or by Municipal by-law shall be severed from the said tract and sold under a description by metes and bounds without the approval of the Local Authority and the Board and no deed of conveyance or mortgage in fee of such part of such tract shall be registered without such approval.

Any lands left between any such conveyance and the limit of the highway shall upon registration of the said conveyance become vested in the Municipality as part of the public highway.

56.—No tract or parcel of land or part thereof situate in a Town Planning District shall be conveyed by metes and bounds or otherwise without the approval of the Local Authority and no deed conveyance or mortgage in fee of such parcel shall be registered without the approval of the Local Authority.

A plan of survey certified by an Ontario Land Surveyor shall be attached to and form part of every such conveyance.

Approval of Plans, Etc., by Board.

57.—Where a plan or schedule of regulations is required to be approved by any Municipal Council and by the Board the following proceedings shall be had and taken:

(1) The local authority shall forward a copy of the plan to each Municipal Council whose approval is required and to the Board with an application for approval.

(2) The Municipal Council shall consider the plan and shall within thirty days after the receipt of the application notify the board of its approval or otherwise, in the latter case giving reasons for not approving.

(3) The Board shall appoint a time and a place convenient to the majority of the persons interested, when a public hearing shall be held.

(4) The Board shall, after the public hearing, approve the plan or order the same to be amended and the plan as approved or amended shall be filed in accordance with the provisions of this Act.

58.—All disagreements arising between the Local Authority and any person or company or Municipality shall be referred to the Board.

The rules of practice and procedure adopted by the Board shall apply to applications under this Act, and all persons, municipal corporations, and commissions shall be entitled to be heard and may be represented by counsel or agent at the hearing. The ruling of the Board shall be final.

59 —The Planning and Development Act, being Chapter 38 of the Acts passed in the 8th year of the reign of His Majesty, King George V., and subsequent amendments, is hereby repealed.